

# Hazardous Materials and Hazardous Waste Reporting Requirements under Emergency Conditions

## A Straightforward Guide to Your Responsibilities

**Background:** The Department of Public Safety and Corrections (DPS) in conjunction with the Department of Environmental Quality (DEQ) (referred to herein as Departments) promulgated rules aimed at addressing the real need of accurately communicating the location and type of hazardous materials and wastes that are in transit or temporarily stored in parishes threatened by a Category 3 or higher hurricane. Rules were added to the Hazardous Waste and Hazardous Materials Regulations as LAC 33:V.11101, 11103, and 11105.

**Purpose:** The purpose of this document is to give a streamlined synopsis of what the new rule requires, who is subject to the new rule; and some answers to common questions about the new rule.

**Contact:** If you have any questions regarding this rule, you may contact Robert D. Reine at 225-219-3985.

**Trigger Mechanism:** The “Trigger mechanism” for your reporting responsibilities is the issuance of a mandatory evacuation order by the appropriate parish authorities in the parish in which your facility is located. Additionally, the approaching hurricane must be or projected to be a Category 3 or higher hurricane at the time of landfall. The classification of hurricanes is determined by the National Weather Service: National Hurricane Center at [www.nhc.noaa.gov](http://www.nhc.noaa.gov).

**Applicability:** (1) All persons who are engaged in the transportation (via railcars, vessels or barges) or temporary storage (storage vessel not permanently attached to the ground) of hazardous materials as defined in 40 CFR Part 355, Appendix A. (2) Additionally, the hazardous materials must be located in a parish for which a mandatory evacuation has been ordered due to the presence or projected presence of a Category 3 or higher hurricane.

**How to Report:** Persons shall give notice to the DPS via electronic submittal, [emergency@la.gov](mailto:emergency@la.gov), no later than 12 hours after the mandatory evacuation has been ordered by proper parish authorities.

**What to Report:** (1) The exact nature of, type, location and relative fullness of the container of all hazardous materials (please see below for list of exceptions); (2) primary and secondary contact person’s phone, email and fax number; and (3) whether the facility will be sufficiently manned, i.e., able to perform post-event assessments.

**After Event:** Within a reasonable time, persons are required to perform a post-

event assessment of those hazardous materials that were actually present at their facility during the storm. If any materials were compromised, this information needs to be communicated to DPS along with the relative location of the compromised materials.

**Exceptions to Reporting:** (1) Hazardous materials that were previously reported in the annual Superfund Amendments and Reauthorization Act (SARA) inventory report (only those that are in excess of what is typically stored at the facility need to be reported); and (2) “de minimis” quantities.

### **Frequently Asked Questions:**

**Q:** Can I submit my information prior to the 12 hour deadline?

**A:** Yes, the Departments welcome any early submittals of required information.

**Q:** In what form should I send the information?

**A:** The information should be in the manner in which it is usually kept. There is no need to specially format the document to a pre-set form. However, if a key or other document is necessary to interpret your document, it must be included in your submittal.

**Q:** If I do not have anything to report, do I need to submit a report?

**A:** Yes, if you do not have any hazardous materials that are reportable under this rule and you are required to file a SARA inventory report, please send a report stating “no reportable hazardous materials.” This does not mean that you do not have hazardous materials at your facility. It means that that you do not have materials that are subject to this rule.

**Q:** Clarify whose responsibility it is to report on chemicals in transportation that have not been transferred to the designated destination.

**A:** Once control shifts to another party, the reporting responsibility shifts to the person who now controls the material. From a regulatory standpoint, the Departments do not want to get involved in contractual matters between two persons. The person who is in control of the material has the requirement of reporting that material. The moment control shifts from one party to another is to be determined by the parties themselves.

**Q:** What do you mean by “relative fullness”?

**A:** The Departments are interested in a general measurement of how much hazardous materials are contained in a given container. If you know the exact quantity, please report that. However, a rough estimate would also suffice, i.e., container contains residue or 50

gallon drum is approximately ½ full, etc.

**Q:** What type of information do you want to receive regarding the location of the hazardous materials?

**A:** While GPS coordinates are most helpful, they might not be reasonable in every circumstance. As a general guideline, the level of detail needed to be reported regarding the location of hazardous materials must be sufficiently detailed to allow an individual to come to your facility and locate that listed hazardous materials at your site. Depending on the size of your facility, the level of detail required may change.